

REMARKS/ARGUMENTS

Claims 1-22 are pending, claims 18-20 having been withdrawn from consideration. By this Amendment, claim 1 is amended, and new claims 21 and 22 are presented. Support for the amendments to claim 1 can be found, for example, in the present specification at page 1, lines 27 to 30, and in original claim 1. Support for new claims 21 and 22 can be found, for example, in the present specification at page 5, lines 18 to 24 and page 6, lines 31 to 33, and in original claims 1 and 18. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Premature Finality of Office Action

The Office Action was made final because "Applicant's amendment necessitated the new ground(s) of rejection." *See* Office Action, page 4. However, the amendments in the May 12, 2008 Amendment were entirely formal in nature (e.g., placing method steps in active voice) – no substantive changes were made to the claims. MPEP §706.07 states "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period" The rejection over Kajander (discussed below) is a new ground of rejection that was not necessitated by Applicants' amendments to the claims or any information submitted in an Information Disclosure Statement filed during the relevant period. Accordingly, the finality of the Office Action should be withdrawn.

Applicants' appreciate the courtesies extended to Applicants' representative by Examiner Halpern during the September 2, 2008 telephone interview. During the interview Applicants' representative pointed out the improper finality of the outstanding Office Action

for the reasons discussed above, and Examiner Halpern agreed to carefully reconsider the final status of the Office Action upon receipt of Applicants' written comments.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1, 4-7, 10-12 and 15-17 under 35 U.S.C. §102(b) over U.S. Patent No. 5,837,620 to Kajander ("Kajander"). Applicants respectfully traverse the rejection.

Claim 1 recites "[a] process for producing a veil comprising glass fibers and cellulose fibers, comprising: dispersing cellulose fibers and chopped glass fibers into a white water; forming a bed in a forming device by passage of the dispersion over a forming fabric through which the white water is drained off, the fibers being retained on the fabric and the dispersion comprising, during passage, a cationic white water; and performing a heat treatment in an oven device to form the veil; wherein the glass fibers and the cellulose fibers are uniformly dispersed in the formed veil" (emphasis added). Kajander does not disclose or suggest such a process.

As indicated above, in claim 1, cellulose fibers and chopped glass fibers are dispersed into a white water to, ultimately, form a veil in which glass fibers and cellulose fibers are uniformly dispersed. The Office Action asserts that Kajander discloses mixing chopped glass fibers and cellulosic fibers into a slurry stream of whitewater to create a web. *See* Office Action, page 2. While Kajander indicates that cellulosic fibers may be used (*see, e.g., Kajander*, column 3, lines 16 to 20), there is no indication in Kajander that cellulosic fibers could or should be added to the white water along with glass fibers to form the disclosed web. Rather, Kajander appears to suggest that non-glass fibers, such as cellulosic fibers, should not be dispersed into the white water used to form the disclosed web. Kajander discloses, in particular, that "it is particularly advantageous to have a higher concentration of cellulosic

fibers on one or both surface portions of the mat." *See* Kajander, column 3, lines 23 to 28. That is, in Kajander, the cellulosic fibers are not applied along with the glass fibers to form the disclosed mat, but rather likely are employed before and/or after the glass fibers so that there is a greater concentration of cellulosic fibers at the surfaces of the disclosed web. This arrangement would not involve dispersing cellulose fibers and chopped glass fibers together into a white water, as required by claim 1, and would not result in a veil in which glass fibers and cellulose fibers are uniformly dispersed, as recited in claim 1. Thus, Kajander does not disclose or suggest each and every feature of claim 1.

Applicants further note that, according to the method of Kajander, heat is employed to cure a binder in two steps. First, an initial heat treatment is used to perform a partial cure of the binder in the web (*see* Kajander, column 2, lines 25 to 27), and second, the partially-cured web is applied to a wood substrate and the associated materials are subjected to further heat treatment to complete the cure (*see* Kajander, column 2, lines 32 to 38). Accordingly, the web of Kajander is not a completed product, but rather a precursor used to form a laminate of the web and the wood substrate. Cellulosic fibers may be used in the web of Kajander to enhance the bonding strength of the web to the wood substrate. *See* Kajander, column 3, lines 23 to 28. That is, the heat treatment of Kajander does not yield a formed veil, but rather a laminate (or, initially, an incompletely cured precursor).

The heat treatment of claim 1, by contrast, yields a formed veil. *See, e.g.*, present specification, page 5, lines 18 to 21 ("The final veil (dry after heat treatment) ..."). The heat treatment of claim 1 operates to evaporate water and carry out all possible chemical reactions between the various constituents and/or convert the binder precursor into binder and/or give the binder its final structure. *See, e.g.*, present specification, page 6, lines 6 to 9. Kajander does not disclose or suggest the heat treatment of claim 1 at least because the heat treatment of Kajander yields a laminate, and not a formed veil.

Kajander discloses that:

The mats of the present invention have lower physical properties initially like tensile strength, hot wet strength and tear strength than conventionally cured mats, but the mats of the present invention surprisingly produce substantially higher bonding strength with wood.

See Kajander, column 2, lines 27 to 32. The above passage plainly indicates that the web of Kajander has desirable attributes as a component in a laminate, but has undesirable attributes as a discrete veil. Thus, one of ordinary skill in the art would not have looked to the teachings of Kajander to obtain the veil of claim 1.

As explained, claim 1 is not anticipated by Kajander. Claims 4-7, 10-12 and 15-17 depend from claim 1 and, thus, also are not anticipated by Kajander. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 2, 3, 8, 9, 13 and 14 under 35 U.S.C. §103(a) over Kajander. Applicants respectfully traverse the rejection.

For the reasons discussed above, Kajander fails to disclose or suggest each and every feature of claim 1. Accordingly, claim 1 would not have been rendered obvious by Kajander. Claims 2, 3, 8, 9, 13 and 14 depend from claim 1 and, thus, also would not have been rendered obvious by Kajander. Reconsideration and withdrawal of the rejection are respectfully requested.

New Claims

By this Amendment, new claims 21 and 22 are presented.

Claim 21 is believed to distinguish over the cited references for at least the reasons discussed above with respect to claim 1. In addition, Applicants note that claim 21 requires

particular amounts of cellulose fibers (i.e., 2 to 12 wt % of cellulose fibers). Kajander does not disclose or suggest any amount of cellulosic fibers, much less the particular amount recited in claim 21. The present specification demonstrates that employing the amounts of cellulose fibers encompassed by claim 1 yields unexpected, superior results. Namely, "[t]his table shows that the tear strength is 19% higher in the case of the veils containing 5% cellulose and 10% cellulose than in the case of the other veils, while still having a very high tensile strength." *See* present specification, page 8, lines 10 to 12. As is well-settled, "[a] *prima facie* case of obviousness ... is rebuttable by proof that the claimed compounds possess unexpectedly advantageous or superior properties." *See* MPEP §2144.09 (citing *In re Papesch*, 315 F.2d 381 (C.C.P.A. 1963)).

Claim 22 depends from claim 1 and, thus, is also believed to distinguish over the cited references.

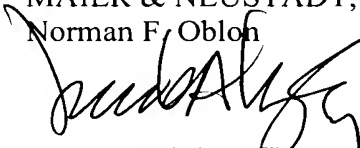
Conclusion

For the foregoing reasons, Applicants submit that claims 1-22 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Jacob A. Doughty
Registration No. 46,671

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)